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In re Application of :
Aharon Meir Eyal et al :
Serial No.: 09/147,914 : PETITION DECISION
Filed: May 25, 1999 :
Attorney Docket No.: U012130-1 :

This is in response to the renewed petition under 37 CFR 1.181, filed June 7, 2004, for withdrawal of abandonment of the above identified application based on filing of a timely reply. The delay in acting on this petition is regretted.

A review of the file history shows that the examiner mailed a Final Office action to applicants on April 9, 2002, setting a three month shortened statutory period for reply. Following an amendment after Final rejection submission and an Advisory Action, applicants filed a Notice of Appeal and three month extension of time on October 15, 2002 (Certificate of Mailing dated October 9, 2002). On April 15, 2003, applicants filed a request and fee for a four month extension of time and allege the filing of CPA papers concurrently therewith. On July 22, 2003, following a telephone interview with applicants' attorney, the examiner mailed a Notice of Abandonment to applicants on the belief that applicants' attorney had indicated the case had been abandoned.

Applicants state that the CPA papers were filed without the required filing fee with the expectation that a Notice of Missing Parts would be forthcoming. When none was received and the Notice of Abandonment was received instead, applicants filed a paper entitled "Completion of Filing Requirements" authorizing the filing and other fees be charged to a Deposit Account No. The renewed petition contains a copy of the CPA papers. In addition, the original papers have been located and placed in the file completing the requirements for a timely response. Inasmuch as the filing fees were later authorized the application is in condition for withdrawal of abandonment.

The petition is **GRANTED**. The application is restored to pending status with the mailing of this decision.

The application will be forwarded for entry of the papers and fees and then to an examiner for further action.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number 703-872-9306.



Bruce M. Kishiuk

Director, Technology Center 1600